

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 1, 1938.

The City Council convened in regular session, at the regular meeting place, on September 1, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The Minutes of the regular meetings of July 21, July 28, and August 4 were read, and upon motion of Councilman Alford, were adopted as read, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Constitution and By-Laws of the Austin Safety Council, submitted by its president, Albert Boggess, were read, and upon motion of Councilman Bartholomew were approved, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following report of the Board of Adjustment was received:

"August 26, 1938.

Hon. Mayor and City Council  
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on August 23, 1938:

**R E S O L U T I O N**

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. W. T. Caswell requesting a change in the Use and Height and Area designation of the northeast portion of Block 6, Buddington Addition, which property fronts 136.3 feet on West 35th Street and 154 feet on Fruth Street, from "A" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on August 23, 1938, at which hearing no protests were heard against this change; and

WHEREAS, the original petition was accompanied by a written statement of consent signed by eight adjoining and neighboring property owners; and

WHEREAS, this property is an unsubdivided tract of land extending from Guadalupe Street to Fruth Street, the frontage on Guadalupe Street being zoned to a depth of 131 feet as a "C" Commercial District as shown on the Use District map of the City of Austin; and

WHEREAS, the appellant is petitioning for the extension of the "C" Commercial District to include all of the property extending to Fruth Street for the purpose of erecting high-class, modern tourist cottages which, while of a residential character, are considered to be a commercial use under the terms of the ordinance; and

WHEREAS, the Board has viewed the premises and carefully considered the conditions surrounding the property and the trend of development, and otherwise considered the question in the light of sound zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it is recommended to the City Council that this property be changed from "A" Residence District to "C" Commercial District and from First Height and Area District to Second Height and Area District as it is deemed that the type of development proposed being more residential in character than commercial would not be contrary to the purpose and spirit of the ordinance, and further that the present depth of commercial districts along highways and principal thoroughfares is not of sufficient depth to permit developments of this type, therefore would preclude the use of property for an otherwise legal and legitimate purpose.

BOARD OF ADJUSTMENT

By (Sgd) V. H. Pannell  
Vice Chairman. "

Mayor Miller declared the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the USE district designation and the Height and Area designation of the following described property so as to change same from "A" Residence District to "C" Commercial District and from First Height and Area District to Second Height and Area District: The northeast portion of Block 6 of the Buddington Addition, the same being 110.4 feet by 204.53 feet, fronting on West 35th Street between Guadalupe Street and Fruth Street, in the City of Austin, Texas.

No one appearing to protest the proposed change, Councilman Alford moved that the City Attorney be directed to prepare the amendment to the Zoning Ordinance. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion of Councilman Alford, Frank Clendennen was granted a license to operate as a taxicab a 1936 Plymouth Sedan, Engine P2-211951, State Highway License No. 952-490, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion of Councilman Alford, Lyster S. Conditt and Leon Gillespie were granted taxicab driver's permits, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Citizens Industrial Bank, by William Yeldermann, Attorney, submitted a request for permission to remove a parking meter at 615 Brazos Street in order to put in a commercial driveway to serve a parking lot. The matter was referred to the Engineering Department for recommendation.

Councilman Alford moved that J. E. Haire be granted licenses to operate the following taxicabs: Ford 4-door Sedan, 1937 Model, Engine No. 223221, State Highway License No. F-12-410; and 1937 4-door Chevrolet Sedan, Engine No. , State Highway License No. . The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WERNER AVENUE from Concordia Avenue northerly 145 feet, the centerline of which gas main shall be 12½ feet west of and parallel to the east line of said Werner Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in WOODMONT AVENUE from Exposition Boulevard easterly 255 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Woodmont Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in JOSEPHINE STREET southerly 94 feet from a point 264 feet south of the south line of Juliet Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Josephine Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in HOLLY STREET easterly 109 feet from a point 137 feet east of the east line of Canadian Street, the centerline of which gas main shall be 26 feet south of and parallel to the north line of said Holly Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in EAST 30TH STREET from Hampton Road easterly 122 feet, the centerline of which gas main shall be 18 feet north of and parallel to the south line of said East 30th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

WHEREAS, the Aluminum Awning Company is the Contractor for the alteration of an awning located at the southwest corner of Sixth Street and Congress Avenue and desires a portion of the sidewalk space abutting Lots 4, 5, and 6, Block 55, of the Original City of Austin, Travis County, Texas, during the alteration of the awnings, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT the above privileges and allotment of space are granted to the said Aluminum Awning Company, hereinafter termed "Contractor," upon the following terms and conditions:

(1) That the Contractor will erect a suitable barricade from place to place around these premises as his work progresses. This barricade shall consist of a rail extending not more than 6 feet out from the property line and of such a length as will embrace the entire section of awning to be replaced. This barricade shall be removed every evening after work ceases and the sidewalk is to be kept clean at all times.

(2) That the Contractor shall remove all barricades, loose materials and other obstructions on the sidewalk immediately after the necessity for their existence on said sidewalk has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than September 30, 1938.

(3) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional

barricades or safeguards if the conditions demand it.

(4) That the use and enjoyment of the space herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(5) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the alteration work for said awnings, whether done by the contractor, city forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(6) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand (\$1000.00) Dollars, which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a barricade and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution:

WHEREAS, Frank Rundell is the contractor for the alteration of a building located at 407-409 West 19th Street, and desires a portion of the street and sidewalk space abutting part of Lots 6 and 7, Block 35, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Frank Rundell, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point on the north line of the above described property 18 feet in an easterly direction from the northwest corner of the same property; thence in a northerly direction and at right angles with the centerline of West 19th Street to a point 4 feet north of the south curb; thence in an easterly direction and parallel with the centerline of West 19th Street, 40 feet to a point; thence in a southerly direction and at right angles with the centerline of West 19th Street to the north property line of the above described property

2. THAT the above privileges and allotment of space are granted to the said Frank Rundell, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the west, north, and east lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades.

(5) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(6) That provision shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(7) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(8) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than October 31, 1938.

(9) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(10) That the use and enjoyment of the space herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(11) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the alteration work for said building project, whether done by the Contractor, city forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf submitted the following:

"Austin, Texas  
August 31, 1938

Hon. Mayor and City Council  
Austin, Texas

Gentlemen:

I hereby make application for permission to construct, maintain and operate a drive-in gasoline filling station within the City of Austin upon property located at the northeast intersection of the extension of South Congress Avenue and LaPrelle Place and the old San Antonio Road, or Post Road. The property upon which this filling station is to be located is described as portions of Lots 11, 12, 13, 14, and 15, of Block 1, of LaPrelle Place.

All city rules and regulations governing the type of construction for a project of this nature will be complied with.

Yours truly,

(Sgd) W. L. Moore. "

Austin, Texas  
September 1, 1935

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of W. L. Moore for permission to construct, maintain and operate a drive-in gasoline filling station, and to construct commercial driveways in conjunction therewith, upon property situated at the northeast corner of the intersection of the extension of South Congress Avenue through LaPrelle Place with the Old San Antonio Road, or Post Road, which property is known as a portion of Lots 11, 12, 13, 14, and 15, of Block 1, of LaPrelle Place within the City of Austin, Travis County, Texas, and which property upon which this filling station is to be located is owned by the said W. L. Moore, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the Zoning maps of the City of Austin.

A storm sewer exists in East Live Oak Street at College Avenue north of this filling station site.

We recommend that W. L. Moore be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the building ordinance, the zoning ordinance, the filling station ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the city streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2\*h-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-G-219.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-G-219, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral  
City Engineer

J. G. Eckert  
Building Inspector. "

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northeast corner of the intersection of the extension of South Congress Avenue through LaPrelle Place and the Old San Antonio Road, or Post Road, which property is owned by W. L. Moore, and is known as a portion of Lots 11, 12, 13, 14, and 15, Block 1, of LaPrelle Place within the City of Austin, Travis County, Texas, and hereby authorizes the said W. L. Moore to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an

occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic, and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said W. L. Moore has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller laid before the Council for its third reading the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT, AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the third time, and Councilman Wolf moved that the ordinance be finally passed. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Upon motion, seconded and carried, the meeting was recessed at 11:35 A. M. subject to call of the Mayor.

Approved:

Tom Miller  
Mayor

Attest:

Walter McMillan  
City Clerk